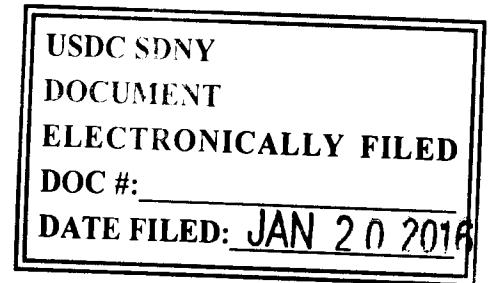




SOLOMON B. CERA
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January 15, 2016



VIA ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1950
New York, NY 10007

Re: *In re Zinc Antitrust Litigation*, No. 14 Civ. 3728 (KBF)

Dear Judge Forrest:

I am one of the co-lead counsel for Plaintiffs in the above-referenced litigation. This letter is a request to extend Plaintiffs' time to file an amended complaint. The current due date for the amended complaint is January 28, 2016. ECF No. 155 at 86.

On January 14, 2016, the Plaintiffs filed a motion to intervene in the *Aluminum Warehousing Antitrust Litigation*, No. 13-md-2481 (KBF), to permit them to obtain access to documents produced by Defendants in that case, which are believed to be relevant to the claims dismissed in *Zinc. Aluminum*, ECF Nos. 872-873. Based on their present knowledge, the Plaintiffs believe the documents sought from the *Aluminum* case will provide support for amendment of the claims in *Zinc*, including the Section 1 and 2 claims which were dismissed with prejudice. Accordingly, Plaintiffs intend to move for reconsideration of the dismissal with prejudice of the Section 1 and 2 claims in *Zinc*. Plaintiffs also intend to file an amended complaint with respect to Counts III and IV, which were dismissed with leave to amend.

Pursuant to the Local Rules, briefing on the motion to intervene and modify the *Aluminum* protective order will not be concluded by January 21, 2016, the date by which Plaintiffs must otherwise move to reconsider the Court's dismissal with prejudice of Counts I and II of the *Zinc* complaint. If the motion to intervene and modify the protective order in *Aluminum* is granted, Plaintiffs will require some reasonable additional time to review and incorporate the documents from *Aluminum* into an amended complaint in *Zinc*.

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Plaintiffs therefore request an extension of time to file a motion for reconsideration of the dismissal with prejudice of Counts I and II of the *Zinc* complaint until thirty (30) days following a decision granting the motion to intervene and modify the protective order in the *Aluminum* case. If that motion is denied, Plaintiffs request an extension of fourteen (14) days from the denial to amend Counts III and IV of the *Zinc* complaint.

Given the complexity of the factual and legal issues, we respectfully submit that the requested extensions are warranted under the circumstances. Counsel for defendants have advised us that they oppose the requested extension and will be filing a written opposition.

Thank you for your consideration

Very truly yours,



Solomon B. Cera

cc: Counsel of Record

Ordered
Motion for extension on reconsideration
is DENIED. The point of reconsideration
is not to allow a party to beef up
a deficient pleading with new material that
with even reasonable diligence could have
been sought earlier. Indeed, there is
a significant amount of public material
on the Aluminum case including public
references to numerous facts. Had plaintiffs
in Zinc believed those facts useful, or
wanted more, undisclosed facts, they could
have taken appropriate action to amend
long ago or sought to intervene long ago.
This application for an extension is therefore
based on a misconception of the purpose of
reconsideration. *CBS* 1/19/16